

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-4, 6, 7, and 9-69 are pending in this application, Claims 5 and 11 having been canceled without prejudice or disclaimer; Claims 25-68 having previously been withdrawn; Claims 1, 12, 20, 23, and 24 having been presently amended; and Claim 69 having been added. Support for amended Claims 1, 12, 20, 23, and 24 can be found, for example, in the original claims, drawings, and specification as originally filed.<sup>1</sup> No new matter has been added.

In the outstanding Office Action, Claims 1, 3-7, and 9-24 were rejected under 35 U.S.C. §103(a) as unpatentable over Takeo et al. (U.S. Patent No. 7,126,707; hereinafter “Takeo”) in view of Isshiki (U.S. Patent Publ. No. 2002/0118384).

In response to the rejection of Claims 1, 3-7, and 9-24 under 35 U.S.C. §103(a) as unpatentable over Takeo in view of Isshiki, Applicant has amended independent Claim 1 to recite features formally of Claim 5. Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied reference.

Amended independent Claim 1 is directed to an image forming apparatus including, *inter alia*:

...a hardware resource;

a program;

an examining unit configured to examine said hardware resource and determine whether said hardware resource exists, and output, in response to a positive determination, a normal value and output, in response to a negative determination, an abnormal value as the result of the examination;

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<sup>1</sup> See original Claim 5.

a configuration unit configured to store identification information of the program and identification information of the examining unit, the examining unit being executed prior to execution of the program;

an activating unit configured to activate the examining unit prior to the execution of the program and, in response to the positive determination activate said program; and

a storage unit configured to store the result of the examination,

wherein said examining unit *determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination.*

Independent Claims 23 and 24 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to independent Claims 23 and 24.

Takeo describes technology for issuing a job to a peripheral device such as a printer, a scanner, a copying machine, facsimile apparatus or an apparatus capable of performing the functions of these devices in a composite manner.<sup>2</sup> However, Takeo fails to teach or suggest that “said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination,” as recited in Applicant’s amended Claim 1.

Page 8 of the outstanding Office Action, in the rejection of Claim 5, states that “said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view showing “list of designatable file storage locations” attribute held by the peripheral device; Fig. 27), and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view

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<sup>2</sup> See column 1, lines 9-13 of Takeo.

showing “list of designatable default file storage locations” attribute held by the peripheral device; Fig. 28), the stored result of the examination (a “mode (execution guarantee) of the job assignment start command” shown in FIG. 25).

Column 18, line 66 to column 19, line 26 of Takeo, which describes the features of Figures 25 and 28, states:

FIG. 27 shows an example of the attribute values settable in the “designatable file storage location” attribute held by the peripheral device. This information is stored in the ROM 25 or the DISK 30 of the peripheral device.

Attribute values “storage area 1” 2701 to “storage area 9” 2709 indicate the “file storage locations” that can be designated. In case a mode involving job storage is designated for the job assignment start command, one of the “file storage locations” listed in this attribute has to be designated as the additional information. The attribute value is represented by a name such as “storage area n”, but it may also be represented by another uniquely identifiable information such as an identifier or a handle value indicating the storage location.

FIG. 28 shows an example of the attribute value of the “default file storage location” attribute held by the peripheral device. This information is stored in the ROM 25 or the DISK 30 of the peripheral device.

An attribute value “storage area 8” 2801 is an example of the default “file storage location”. In case a mode involving job storage is designated for the job assignment start command, the additional information therefor has to be designated, but, if such designation is not executed, the value of this attribute is adopted as the additional information.

The attribute value is represented by a name such as “storage area n”, but it may also be represented by another uniquely identifiable information such as an identifier or a handle value indicating the storage location.

Thus, Figure 27 of Takeo shows storage areas for information that is stored in a ROM 25 or a disk 30 of a peripheral device. The storage areas are attribute values “storage area 1” 2701 to “storage area 9” 2709, which store files. However, Takeo does not describe that the ROM 25 or disk 30 stores a result of whether or not a hardware resource exists, and that the ROM 25 or disk 30 is checked to determine whether the result of whether the examination the

hardware resource exists is stored in the ROM 25 or disk 30, and if the result exists, an examination unit uses the stored result of the examination. Thus, Takeo fails to teach or suggest that “said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit, and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit, the stored result of the examination,” as recited in Applicant’s amended Claim 1.

Accordingly, Applicant respectfully submits that amended independent Claims 1, 23, and 24 (and all claims depending thereon) patentably distinguish over Takeo. Further, Applicant respectfully submits that Isshiki fails to cure any of the above-noted deficiencies of Takeo.

Thus, Applicant respectfully requests that the rejection of Claims 1, 3-7, and 9-24 under 35 U.S.C. §103(a) as unpatentable over Takeo in view of Isshiki be withdrawn.

In order to vary the scope of protection recited in the claims, new Claim 69 is added. New Claim 69 finds non-limiting support in the disclosure as originally filed, for example at page 72, line 19 to page 73, line 14, and Figures 37 and 52.

Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>3</sup>

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<sup>3</sup> See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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